




County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

June 22, 2004

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: David E. Janssen 
Chief Administrative Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

SACRAMENTO UPDATE

Pursuit of Position on Legislation

AB 1721 (Koretz), as amended on June 16, 2004, would change the Business and Professions Code regarding retail sales. Specifically, if advertisements for an item have two prices, the lower price must be charged. The bill also requires that conditions of sale, such as supermarket club membership, or minimum quantity purchases, be described on the advertisement or posting. Furthermore, AB 1721 stipulates that advertisements, placards, or signs, with any end of sale dates listed such as "price good thru ...", is not a defense against prosecution for violating any of the above provisions.

Under current law it is a misdemeanor to sell an item above the price per unit advertised, posted, or quoted if the value is more than one dollar, and an infraction for anything sold in such a manner that is less than a dollar.

The Agricultural Commissioner, Department of Weights and Measures (ACDWM) indicates that certain retailers have developed a practice of leaving old sales tags on items or store shelves that are inaccurate. As a result, a buyer, who may not be aware of the sales expiration, or who assumes that the sale has been extended (as is sometimes the case) because the lower price is still posted, is charged the higher price. Additionally, retailers have been successful in court trials and administrative hearings, with the argument that the burden is on buyers to read expiration dates. ACDWM further indicates that county sealers in San Diego and Ventura also believe that the

stores should remove out-of-date advertisements promptly rather than transferring the responsibility to the consumer. Therefore, ACDWM recommends support of AB 1721.

The Los Angeles District Attorney (DA) also supports AB 1721 and indicates that this legislation will assist in its efforts to protect consumers from questionable pricing practices by modernizing this statute, which presently uses archaic language from the era before scanner technology was prevalent. The DA also indicates that the bill would clarify the general prohibition on inaccurate pricing, and would also address the growing problem of expired "sale" price tags on store shelves.

Support for AB 1721 is consistent with County policy adopted on December 16, 2003, to support legislation to protect consumers through more and better information so that value comparisons can be made on anything sold by weight, measure, or count. Therefore, **our Sacramento advocates will support AB 1721.**

AB 1721 passed the Senate Committee on Business and Professions on June 21, 2004, and proceeds to the Senate Appropriations Committee. It is supported by the California Agricultural and Sealers Association and opposed by the California Grocers Association and the California Retailers Association.

Status of County-Interest Legislation

County-supported AB 488 (Parra), which would require the Department of Justice (DOJ) to disseminate registered sex offender information pursuant to Megan's Law via an Internet website operated by the DOJ, was amended on June 14, 2004 to allow qualified offenders to petition for the removal of their information from the Internet, and to make it a crime for those who use the sex-offender data base to commit a misdemeanor or a felony, punishable by a fine of between \$10,000 and \$50,000, or five years in State prison. AB 488 remains in the Senate Public Safety Committee where it is scheduled to be heard on June 22, 2004.

County-supported AB 1618 (Firebaugh), which would require railroad companies in California to develop a protocol for rapid communication with State and County public safety agencies in an endangered area during emergency situations where there is a runaway train, was amended on June 17, 2004, to include an urgency clause so it will become effective when signed by the Governor. AB 1618 passed the Senate on June 17, 2004 by a vote of 31 to 1, and will go back to the Assembly for concurrence with the Senate amendments.

County-supported ACR 142 (Chavez), which would designate the interchange of State Highway Route 605 and State Highway Route 210 as the Los Angeles County Deputy Sheriff David W. March Memorial Interchange, passed the Senate Transportation Committee on June 16, 2004, by a 12 to 0 vote and now proceeds to the Senate Appropriations Committee.

County-supported AJR 64 (Chu), which would urge local, State and Federal law enforcement authorities to work to prevent bias-motivated crimes and to investigate and prosecute hate crimes committed against all Americans, with specific reference to Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans, was chaptered on June 16, 2004, and is effective immediately.

County-supported SB 1085 (Murray), which would prohibit the possession, distribution, and use of Mobile Infrared Transmitters (MIRT), a device capable of sending a signal that interrupts or changes the sequence of a traffic signal, was amended on June 16, 2004, so that an unauthorized use of a MIRT that results in bodily injury or death would be punishable by six months imprisonment and a fine of between \$5,000 and \$10,000. If the unauthorized use of a MIRT does not result in bodily injury, the penalty is increased from \$3,000 to not more than \$5,000. SB 1085 remains in the Assembly Appropriations Committee where it awaits a hearing.

County-opposed SB 1462 (Kuehl), which would require a local planning agency to refer a General Plan, or a substantial change to the General Plan, to the military before it is adopted if certain conditions exist, require the Governor's office to develop a mediation process whereby the military, local planning agencies, and project applicants can resolve conflicts when a proposed project is adjacent to a military facility within a low-level flight path or special use airspace, and require a local planning agency to provide the military with completed project applications when the project is adjacent to a military facility or within special use airspace or a low-level flight path, was amended on June 15, 2004.

As amended, SB 1462 increases the number of project proposals a local agency would be required to submit to the military by adding projects within 1,000 feet of a military impact zone. A military impact zone is defined as any area or airspace that is within two miles of a military installation that is greater than 500 acres of unincorporated land or 100 acres of city incorporated land. Also, the number of projects that could be subject to mediation was increased by adding projects which are within 1,000 feet of a military installation. Any project that is entirely within an urbanized area is exempted from these requirements.

The bill continues to contain provisions of concern to Regional Planning. Specifically, the bill allows binding arbitration, excludes local jurisdictions from the formulation process, subjects minor permits to the new process, and retains the term special use airspace. Therefore, **our position remains oppose unless amended.**

SB 1462 remains in the Assembly Local Government Committee and is scheduled to be heard on June 23, 2004.

Each Supervisor
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We will continue to keep you advised.

DEJ:GK
MAL:JF:JL:DDN:ib

c: Executive Officer, Board of Supervisors
 County Counsel
 Local 660
 All Department Heads
 Legislative Strategist
 Coalition of County Unions
 California Contract Cities Association
 Independent Cities Association
 League of California Cities
 City Managers Associations
 Buddy Program Participants